

Present were: Anderson (Chair); McDonough (Clerk); Brown and Batchelder (Members); Baime and Boness (Associate Member).

The meeting opened at 7:05 p.m.

Petition No.: 3932

Premises affected: 70 North Main Street

Petitioner: Jeffco

Members: McDonough, Brown, Batchelder, Baime

There was a written request to continue the hearing further without discussion to the September 8, 2011 meeting due to ongoing review by Preservation Commission. Batchelder made a motion to continue to 9/8/11. Brown seconded the motion & the Board voted unanimously to continue to 9/8/11.

Petition Nos.: 3947 & 3948

Premises affected: 149R Haggetts Pond Rd & 146 Dascomb Rd

Petitioner: New Cingular

Members: McDonough, Brown, Batchelder, Boness, Baime

(Anderson recused himself from these cases) There was a written request to continue the hearing further without discussion for #3947 and to continue without opening for #3948 to the September 8, 2011 meeting. Brown made a motion to continue both hearings without discussion to the 9/8/11 meeting. Batchelder seconded the motion & the Board voted unanimously to continue the hearings to the 9/8/11 meeting.

Petition Nos.: 3951

Premises affected: 5 Summer Street

Petitioner: Weeden

Members: Anderson, McDonough, Brown, Batchelder, Baime

Brad Weeden represented himself in his request for a variance from 4.1.2 &/or a special permit under 3.3.5 to construct a deck with stairs to the rear of the house. The proposed deck would not meet the side yard setback. The house is located in the SRA district where a 15' minimum side setback is required. The proposed setback is 13.11' and 14.48' to the corner of the deck and 8.65' & 10.02' to the corner of the stairs. The petitioner submitted the revised plot plan at the meeting with the setbacks to the stairs dimensioned. The deck will be 5'9" above grade at its highest point. Mr. Weeden stated that he has spoken with the abutters, all of whom were in support of the deck. Weeden submitted a photo of the rear of the house showing the existing stairs, which are higher than the proposed deck. The stairs will not extend beyond the edge of the house. David Reilly, 7 Summer St, spoke in support. McDonough made a motion to close the public hearing. Brown seconded the motion & the Board voted unanimously to close the hearing. The Board then proceeded to deliberate. McDonough made a motion to grant a special permit. Anderson suggested amending the motion to grant the special permit with the condition that the deck be built in accordance with the revised plot plan submitted tonight and that the proposed deck/steps be no closer than shown on the plan, noting that the back left corner of the deck is closer to the lot line than the house due to the angle of the side lot line. Brown made the motion with that condition and McDonough seconded the amended motion to approve the special permit with condition. The Board voted unanimously to grant the special permit with condition. Brown will write the decision.

Petition Nos.: 3941

Premises affected: 81 Holt Road

Petitioner: Furlong

The Hall, 2nd Floor, Memorial Hall Library, Elm Square

Members: Anderson, McDonough, Brown, Batchelder, Baime, Boness

Michael Furlong represented himself in his request for a variance from Sections 3.3.4 &/or 4.2.2 and/or for a special permit under Section 3.3.3 to remove and reconstruct an existing barn/garage that will exceed the maximum number of floors. Anderson disclosed that he is friends with Mr. Furlong's neighbor, Mr. McDonough. No one objected to Anderson's participation in the public hearing. Furlong explained that the roof had caved in due to snow load in February 2011. The proposed reconstruction will expand the second floor to the entire structure, where there is only a partial second story now. The footprint will be increased 6' to create a 2-car garage. The rear abutters are in support. Anderson noted that the Preservation Commission had submitted letters to the record, one dated 7/31/11 stating that the design is not acceptable. Furlong explained that they received permission to demolish the existing barn/garage. They are unsure of exactly what they'll build due to cost, but once they complete the ZBA process, they'll return to Preservation. Anderson informed Mr. Furlong that with ZBA approvals usually come with conditions on the plans presented with the application. If the design changes, the petitioner will need to come back to the ZBA and/or Preservation for modifications. Furlong explained that he is seeking ZBA approval for the second story and thought that Preservation considered the aesthetics. Anderson asked for the proposed use of the second floor. The first floor will be garage/office space, while the second floor will be a music studio and storage. The existing barn has two floors, while the garage has only one. Furlong pointed out that the 6' extension of the footprint is toward Holt Road. Anderson read into the record letters of support from David Pasquale & Thomas McDonough. The existing second story is loft space, unoccupied. The proposed second story expansion will be used for a law office. No clients will be seen at this office. Furlong pointed out that the house is 1200 sq. ft. while the existing barn/garage is approximately 1800 sq. ft. The Board asked what the hardship is, particularly with a large lot where the barn/garage can be relocated. Furlong argued that adding onto the house would take up yard space. McDonough noted that in the application, dimensions for the existing and proposed structure are the same, but the plans depict a 6' expansion of the footprint. Furlong stated that the plans were received after the application was filed. Anderson asked the Board for a sense of their feelings on the current proposal. The overall sense of the Board is that they need more detailed and specific information on the proposed structure; including a plot plan depicting the existing and proposed structures and the size of the existing house, and an approved design from Preservation Commission. Furlong asked for guidance if he didn't expand the second story, but rebuilt a structure of the same size/volume. The Board commented that the second story expansion is significant. Anderson informed the petitioner that he can withdraw without prejudice or continue the hearing to next month in order to provide more detailed information/documentation. Mr. Furlong stated that he wants to continue to next month's meeting (9/8/11). Boness made a motion to continue the hearing to 9/8/11 with the petitioner granting an extension. Brown seconded the motion & the Board voted (6-0) to continue the hearing to 9/8/11 with the petitioner granting an extension.

Petition Nos.: 3949

Premises affected: 77 Haverhill Street

Petitioner: St. Jean

Members: Anderson, McDonough, Brown, Batchelder, Baime, Boness

Richard & Christine St. Jean represented themselves in their request to place a 10x14 shed closer to the side lot line than allowed. Their house is located on a corner lot on Haverhill Street and Linwood Street in the SRA district. They're requesting a variance from 4.2.2. Mrs. St. Jean explained that there is a fence along the lot line where they propose to place the shed 6' from the line. They have no garage or cellar for storage because the house was built on slab. The existing 8x10 shed that has been used for tool/equipment storage for 25 years will be removed. The Board discussed whether the new shed could be located in the same spot as the existing. The St. Jeans explained that the rear of the lot slopes down. The Board reminded the petitioners that in order to grant a variance, there has to be a hardship. They also showed the St. Jeans on the submitted plot plan that the new shed could be located in a conforming location at a 5' setback from the rear & side lot lines. Kaija Gilmore, Inspector of Buildings, informed the Board that since the lot does not meet the minimum frontage requirement on either street, the Board

can determine which lot line would be considered rear in this case. Anderson 'decreed' Haverhill Street as the front yard, and therefore the yard opposite Haverhill Street and behind the house as 'rear yard'. Brown asked for any reason the petitioners can't put the shed in the suggested conforming location. Mrs. St. Jean reiterated that the yard slopes at the rear and the yard area is small. Brown suggested continue the public hearing to the September meeting and that the petitioners should speak with the shed company to see if there are alternatives to what they've requested relief for. Mrs. St. Jean asked to continue the public hearing to the September meeting. Brown made a motion to continue the public hearing to the 9/8/11 meeting. Boness seconded the motion & the Board voted (5-0) (McDonough abstained due to her inability to attend the September meeting). Anderson asked the St. Jeans to submit a written notification if they should decide to withdraw their application because they've determined that they can install the shed in a conforming location.

Petition Nos.: 3950

Premises affected: 165 Haverhill St

Petitioner: Furlong

Members: Anderson, McDonough, Brown, Batchelder, Baime, Boness

Tim Sullivan, Barlo Signs, represented the petitioner's request for a variance from Article VIII, §5.2.8 to install two signs that will exceed the maximum number of signs and the maximum area of the signs. The property is located in the SRA district on map 1, lot 5A. Mr. Sullivan submitted photos of the approach to the YMCA entrance with simulations of the new sign. He explained that the changes are due to the rebranding of the Y logo & colors. There are certain standards that they have to meet and that the minimum and maximum size is site specific. The typical minimum size is 36 sq. ft. while 31 sq. ft. is proposed. Other local Y's have approximately 40 sq. ft. signs. The sign has the logo on top with a separate, smaller sign below with the site address. Anderson asked if they could make the new sign no bigger than the existing and no closer to the street. Sullivan explained that the proportions of such a sign would be too small. The existing sign is 8'x3' with an 18" base, or 9.5' high. The proposed sign would be 7.6' high, but wider for the new logo. It will not be closer to the street as they will use the existing base & steel. The existing and proposed would be 14' from the front lot line. They will trim the trees at the entrance to increase visibility. The proposed attached building sign is 7.7 sq. ft., slightly smaller than the existing. Boness asked whether the monument sign was not included in the base calculations. Sullivan explained that it is a separate sign. Stephen Ives, CEO Merrimack Valley YMCA, spoke about their concern for public safety and increasing visibility to increase safety. He added that the address sign differentiates the Andover YMCA from the Methuen YMCA, both of which are located on Haverhill Street in the respective towns. Don Robb, 36 York St, Y member & Board member, also emphasized their desire to increase visibility to increase public safety. Anderson & Batchelder disclosed that they are members of the YMCA. There was no objection to their participation in the public hearing. Anderson summarized that the proposal is for a larger sign closer to the street. The bottom / address sign is counted in the overall proposal. Illumination will be external from the top, extinguished 30 minutes after closing per Sullivan. The 1987 variance allowed illumination, however it was never installed. Sullivan offered that the currently proposed sign could be moved back from the street. Mr. Ives admitted some flexibility with the size of the sign. Sullivan submitted an alternative proposal including a 26 sq. ft. sign. Anderson suggested the alternative design be slid back so it would be no closer than the existing. Mr. Ives & Mr. Robb agreed to keep the alternative proposal no closer to than the existing sign. Boness asked if the existing bollards would be maintained. Kaija Gilmore, Inspector of Buildings, informed the Board that there is no requirement to maintain the bollards. Ives stated that they would remove them to increase visibility of the sign. They will center the sign on the pylons and use the existing columns. Boness noted that the previously granted variance was to increase visibility from a traffic perspective. He questioned their argument that the existing sign is not serving its purpose, or perhaps it does. Mr. Ives stated they need the 24 sq. ft. sign to fit the new logo. McDonough made a motion to close the public hearing. Batchelder seconded the motion & the Board voted (5-0) to close the hearing. Boness sat off the remainder. The Board then proceeded to deliberate. Batchelder felt that pushing the sign back further would decrease visibility, but that the 26 sq. ft. is good. Anderson & Brown agreed. Brown made a motion to approve the variance with conditions that the signs be constructed in conformance

with the revised plan received at the meeting tonight entitled “YMCA Andover MA 11026951 option” dated 2/23/11” and that the sign be no closer to the street than the existing sign. Anderson amended the motion to approve with conditions to add that the sign be centered on the existing pole. Batchelder seconded Brown’s motion. Brown reminded the Board that the second proposed attached sign also needs relief for exceeding the maximum number of signs and having larger than allowed area. Batchelder questioned the center of the existing sign. Brown proposed the condition be that the edge of the sign be no closer than the existing sign. Batchelder amended the condition to state that the center of the new sign equals the center of the proposed sign. Anderson made a motion to approve the amended motion. Brown seconded the motion & the Board voted (5-0) to approve the variance subject to conditions. Batchelder will write the decision.

McDonough made a motion to adjourn the meeting at 8:45 p.m. Brown seconded the motion & the Board voted unanimously to adjourn the meeting.